

INFORMATION SHEET
DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS
RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK
COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE:

Nashville District; Eastern Regulatory Field Office

FILE NUMBER:

2005-00581

REGULATORY PROJECT MANAGER:

Ken Jones

Date: March 28, 2005

PROJECT REVIEW/DETERMINATION COMPLETED: In the office (N)

Date: NA

At the project site (Y)

Date: March 24, 2005

PROJECT LOCATION INFORMATION:

State:

Tennessee

County:

Campbell

Center coordinates of site by latitude & longitudinal coordinates:

N 35d 26' 42.4"

W 84d 13' 46.0"

Approximate size of site/property (including uplands & in acres):

80 Acres

Name of waterway or watershed:

Stinking Creek (Laurel Fork)

SITE CONDITIONS:

Type of aquatic resource ¹	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands	0.50 Ac								
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									
¹ Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.									

Migratory Bird Rule Factors ¹ :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			Yes		
Is or would be used as habitat by other migratory birds that cross state lines?			Yes		
Is or would be used as habitat for endangered species?					X
Is used to irrigate crops sold in interstate commerce?		X			
¹ Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.					

TYPE OF DETERMINATION:

Preliminary _ Or Approved YES.

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

1. The site is 80 acres, part of which is being used for fill as part of repairs to I-75. Currently most of this property is wooded and the rest is pasture area with fescue.
2. The wetland area is approximately 0.50 acres and has all the criteria for a jurisdictional wetland except for the hydrology. There is no surface connection either man-made or natural. Most hydrology is runoff or ground water.
3. There is not an adjacency issue with any other water resource that could be considered jurisdictional. Most of the hydrology is runoff with some seeps and ground water influence. The isolated wetland does not have a surface connection and is not adjacent to waters of the U.S.
4. One other wetland is on site that does have a surface connection to Bear Branch, a tributary to Stinking Creek.